

**REMARKS**

The Office Action dated February 6, 2007 has been received and considered. In this response, claims 1, 3, 7, 30, 33, and 36 have been amended. Support for the amendments can be found in the specification as originally filed. Reconsideration of the outstanding rejections in the present application is respectfully requested based on the following remarks.

**Rejection of Claims 1-46 under 35 U.S.C. § 101**

At page 2 of the Office Action, claims 1-46 are rejected under 35 U.S.C. § 101 because the claimed invention is directed to a non-statutory subject matter. These rejections are hereby respectfully traversed.

According to the Office Action at page 2, claims 7-9, 11-25, and 44-46 are not statutory subject matter because they “are software per se that is not tangibly embodied on a computer storage medium. Applicant respectfully disagrees. Claim 7, from which claims 8-9, 11-17, and 44-46 depend recites a number of hardware elements, including a data processor, a memory, and a communications interface. Accordingly, claim 7, and the claims dependent thereon, plainly recite an apparatus that is statutory subject matter pursuant to Section 101.

With respect to claim 18, from which claims 19-25 depend, the claim recites “a computer readable medium tangibly embodying a plurality of instructions.” Thus, in contrast to the assertions in the Office Action, claim 18 and the claims dependent thereon do recite instructions that are tangibly embodied on a computer readable medium.

At pages 2-3 of the Office Action, it is asserted that claims 1-46 do not comply with Section 101 because they do not produce useful, tangible, and concrete results. Applicant respectfully traverses this assertion. With respect to claim 1, the claim recites “executing the appliance operating system to control a subset of the one or more appliances” and “executing the general operating system to control the information handling device to perform general information handling tasks.” Thus, claim 1 produces the useful, tangible, and concrete result of controlling appliances and performing general operating system tasks with different operating systems. The Office Action states at page 3 that “the execution [of operating systems] by itself does not produce concrete and tangible results. It’s not until the result of the execution is made

available that it becomes a tangible result.” However, even assuming *arguendo* that this is correct, execution of an operating system necessarily leads to the result of that execution. Accordingly, execution of an operating system, as recited in claim 1, produces a useful, tangible, and concrete result.

In view of the foregoing, it is respectfully submitted that the rejection of claims 1-46 under 35. U.S.C. § 101 is improper. Withdrawal of the rejection and reconsideration of the claims is respectfully requested.

### **Enablement Rejection of Claims 18-25**

At page 3 of the Office Action, claims 18-25 are rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. This rejection is hereby respectfully traversed.

The Office Action states at page 3 that claims 18-25 do not comply with Section 112, first paragraph because the recited term does not indicate what a computer readable medium is. Applicants respectfully point out that the term computer readable medium is well understood in the art. Further, the specification includes numerous references to different types of computer readable media. For example, at page 16, lines 10-19, the specification states:

When data processor for issuing instructions is used, the instruction may be stored in memory. Such a memory may be a single memory device or a plurality of memory devices. Such a memory device may be read-only memory device, random access memory device, magnetic tape memory, floppy disk memory, hard drive memory, external tape, and/or any device that stores digital information. Note that when the data processor implements one or more of its functions via a state machine or logic circuitry, the memory storing the corresponding instructions may be embedded within the circuitry comprising of a state machine and/or logic circuitry, or it may be unnecessary because the function is performed using combinational logic.

(emphasis added). Thus, the specification provides numerous examples of a computer readable medium and fully supports the term “computer readable medium” as that term is used in the claims.

**Enablement Rejection of Claims 1-46**

At page 3 of the Office Action, claims 1-46 are rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. This rejection is hereby respectfully traversed.

The Office Action rejects independent claims 1, 7, 18, and 26, as well as the claims dependent on each of these, because those claims lack the allegedly critical or essential element of a memory to store operating systems. Applicant disagrees that a memory is a critical or essential element of these claims. However, in the interest of advancing the application, claim 1 has been amended to recite a memory, and claim 7 has been amended to indicate that the operating systems are stored in the recited memory. With respect to claim 18, the claim recites a computer readable medium tangibly embodying a plurality of instructions including instructions to implement an appliance operating system. Thus, contrary to the assertions of the Office Action, claim 18 recites a storage medium for the operating system.

With respect to claim 26, the claim recites executing an appliance operating system and executing a general operating system. Applicant respectfully submits that a memory or other storage medium is not an essential element for executing an operating system. For example, an operating system is typically executed at a processor. Thus, claim 26 meets the enablement requirement of Section 112.

With respect to claim 1, the Office Action states at page 3 that claim 1 fails to meet the enablement requirement because claim 1 is contrary to claim 8. However, Applicant respectfully points out that claim 8 depends from independent claim 7, rather than from claim 1. Accordingly, there is no conflict between claim 1 and claim 8.

The Office Action further states at page 3 that, with respect to claims 1, 18, and 26 “it is not apparent how the claim 1 can have two operating systems and executed and active at the same time. Also, it is not possible to have another operating system executed when the first operating system is still executed and active” (emphasis in original). Applicant respectfully submits that operating systems can in fact be executed concurrently, as explained in the specification. See, for example, pages 9-10 of the specification. Accordingly, claims 1, 18, and

26, along with the claims dependent thereon, comply with the enablement requirement of section 112.

The Office Action states at pages 4-5 that claims 1,7, 18, and 26 and the claims dependent thereon do not comply with section 112 because they do not recite a device driver or interface between an appliance operating system and appliances. Applicant respectfully submits that one skilled in the art would know that there are a number of ways that an operating system can control an appliance, and that the particular technique employed is not a critical or essential feature of claims 1, 7, 18, and 26. Accordingly, these claims, as well as the claims dependent thereon, comply with the enablement requirement of Section 112.

With respect to claim 18, the Office Action asserts at page 5 that the claim fails to comply with Section 112 because it recites an appliance operating system on a general purpose information handling system. The Office Action alleges that it is not possible to have a general purpose information handling system that uses an appliance operating system because the appliance operating system is specific, rather than general. Applicant respectfully points out that, as explained in the specification, a general purpose information handling system can use one or more appliance operating systems to control specific appliances. That is, the general purpose information handling system can use an appliance operating system to control an appliance and use other operating systems to perform other tasks and therefore be a general purpose system, as recited in the claims. Accordingly, claim 18 and the claims dependent thereon comply with the enablement requirement of Section 112.

In view of the foregoing, it is respectfully submitted that the rejection of claims 1-46 under Section 112, first paragraph, is improper. Withdrawal of the rejection and reconsideration of the claims is respectfully requested.

#### **Indefinite Rejection of Claims 1-46**

At page 6 of the Office Action, claims 1-46 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to point out and distinctly claim the subject matter which applicant regards as the invention. This rejection is hereby respectfully traversed.

The Office Action indicates at page 6 that claim 1 is rejected because it recites a “single information handling device having one or more appliances.” According to the Office Action, a single device cannot have multiple appliances. In the interest of moving the case forward, claim 1 has been amended to address the rejection.

The Office Action also indicates at page 6 that claim 1’s recitation of an “appliance operating system dedicated to control the information handling device” is improper because an appliance can be used for multiple functions. However, Applicant respectfully points out that the term “dedicated” refers to the operation of the appliance operating system, rather than the operation of the appliance controlled by the operating system. Thus, the dedicated appliance operating system is dedicated to control the information handling device to operate one or more appliances, and can control the appliance to execute multiple functions. Accordingly, claim 1 complies with the second paragraph of Section 112. Furthermore, claims 7, 18, and 26, as well as the claims dependent thereon, comply with the second paragraph of Section 112 for similar reasons.

At page 7 of the Office Action, claims 1, 7, 18, and 26, and the claims dependent thereon, are rejected because of they recite a “general operating system” and “general information handling tasks.” According to the Office Action, these terms are relative and therefore render the claim indefinite. However, one skilled in the art would understand that a general operating system, as indicated in the specification, is an operating system that controls general purpose computing tasks, such as running application programs. Accordingly, claims 1, 7, 18, and 26, and the claims dependent thereon, are not indefinite and comply with the second paragraph of Section 112.

At page 8 of the Office Action, claims 1, 7, and 18, as well as the claims dependent thereon, are rejected because they recite that “the appliance operating system is independent of the general operating system.” The Office Action indicates that this is in conflict with claims 3, and 42-46 which “clearly show that the appliance operating system and the general operating system depend on each other for switching.” *Office Action*, p. 8. Applicant respectfully disagrees. Claim 3, for example, recites that “switching includes discontinuing the execution of one operating system prior to executing another operating system.” Thus, claim 3 does not recite

or imply that the general operating system and the appliance operating system are dependent on each other. Rather, claim 3 recites that one operating system is discontinued before another is executed, thereby indicating that the operating systems are in fact independent. Thus, claims 1, 7, and 18, and the claims dependent thereon do not recite that the operating systems depend on each other. The claims therefore comply with the second paragraph of Section 112.

At page 8 of the Office Action, claims 4, 22, and 26 are rejected because they recite executing operating systems concurrently. According to the Office Action, this is improper because “when the appliance operating system(s) have their turn the general operating system cannot do anything” (emphasis in original). Applicant respectfully points out that the Office Action provides no support for this assertion. One skilled in the art would understand that operating systems can be executed concurrently using a variety of techniques. Accordingly, claims 4, 22, and 26 comply with the second paragraph of Section 112.

At page 9, the Office Action rejects claims 3, 30, 33, and 36 because of various antecedent basis issues. These claims have been amended to address these issues.

At page 9, the Office Action rejects claim 18 because it recites “instructions to implement an appliance operating system on a general purpose information handling system.” According to the Office Action, this is in conflict with claim 5, which allegedly indicates that the operating system “is already present on a memory.” *Office Action*, p. 9. However, Applicant respectfully points out that claim 5 depends from independent claim 1, not claim 18. Accordingly, there is no conflict between the claimed features.

At page 9, the Office Action rejects claim 26 and its dependent claims because these claims recite operating systems “on” a single information handling system. The Office Action asserts that “operating systems on a system cannot exist.” *Id.* The Office Action provides no support or basis for this assertion. Applicant respectfully submits that one skilled in the art would understand that an operating system on a system is an operating system that is stored, executed, or otherwise implemented on the information handling system. Accordingly, claim 26 and its dependent claims comply with the second paragraph of Section 112.

In view of the foregoing, Applicant respectfully submits that the Section 112, second paragraph rejection of claims 1-46 is improper. Withdrawal of the rejection and reconsideration of the claims is requested.

### **Conclusion**

The Applicant respectfully submits that the present application is in condition for allowance, and an early indication of the same is courteously solicited. The Examiner is respectfully requested to contact the undersigned by telephone at the below listed telephone number in order to expedite resolution of any issues and to expedite passage of the present application to issue, if any comments, questions, or suggestions arise in connection with the present application.

The Applicant believes no additional fees are due, but if the Commissioner believes additional fees are due, the Commissioner is hereby authorized to charge any fees, which may be required, or credit any overpayment, to Deposit Account Number 50-0441.

Respectfully submitted,

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